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OFFICE OF PETITIONS

In re Application of
Alcott
Application No. 09/629,678
Filed: August 1, 2000
Attorney Docket No.659-1744

:DECISION DISMISSING PTA
:RECONSIDERATION

This decision is in response to patentees' NOTIFICATION CONCERNING PATENT TERM ADJUSTMENT on March 3, 2006 requesting that the Office review the amount of PTA because the determination of 569 days "may extend the term of this patent by too many days.

Patentees' letter regarding PTA is **DISMISSED.**

Patentees' assert that the number of PTA days determined by their analysis may extend the patent by too many days. Patentees did not provide any information as to the nature of the error in the USPTO determination. Patentees assert that they believe the proper amount of PTA to be 542 days.

Patentees' assertion is not persuasive. The determination of 569 days of PTA at the time of the mailing of the issuance of the patent is accurate. A review of the application file reflects that the Office failed to initially act upon the application within fourteen months of the filing date of the application by period of TWO HUNDRED AND SEVENTY-FOUR (274)days. See 37 CFR 1.702(a)(1). An additional delay of FIVE HUNDRED AND FIFTY-FIVE (555) days of Office delay pursuant to 37 CFR 1.702(a)(4) was awarded. Patentees had ONE HUNDRED AND THIRTY NINE(103 + 36=139) days of applicant delay for failing to meet the requirement of 37 CFR 1.704(b). In addition, patentees missed the requirements of 37 CFR 1.704(c)(10) by a period of 121 days. Accordingly, the overall determination is 569 (829-260= 569).

The Office notes for the record that the file history indicates a miscellaneous incoming letter on June 4, 2003 that patentees may be construing as a supplemental response to the RCE submission on 5/27/2003. However, a review of the Image File Wrapper (IFW) reflects that the letter of 6/4/2003 is a copy of the RCE submission of 5/27/2003 and accordingly would not be a reduction under 37 CFR 1.704(c)(8).

If applicant believes that the Office has overlooked some factor in this response, then the Office invites applicant to reply with a comment as what the error involves.

After the mailing of this decision, the application will be forwarded to the file repository for a storage of the patented file.

The Office thanks applicants for their good faith and candor in bringing alleged PTO errors to the attention of the Office. Under these circumstances, the Office will not assess a fee for the submission of this letter.

Any questions concerning this decision should be directed to Kery A. Fries, Senior Legal Advisor, at 571-272-7757.

Kery A. Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

cc: PAIR calculation

PALM INTRANET

Day : Tuesday
Date: 9/5/2006
Time: 11:18:12

PTA Calculations for Application: 09/629678			
Application Filing Date:	08/01/2000	PTO Delay (PTO):	829
Issue Date of Patent:	03/14/2006	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	260
Post-Issue Petitions:	0	Total PTA (days):	569
PTO Delay Adjustment:	0		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
65	03/14/2006	PATENT ISSUE DATE USED IN PTA CALCULATION	555		60
64	01/19/2006	RECEIPT INTO PUBS			
63	01/17/2006	DISPATCH TO FDC			
62	01/17/2006	APPLICATION IS CONSIDERED READY FOR ISSUE			
61	01/17/2006	RESPONSE TO AMENDMENT UNDER RULE 312			
60	05/05/2004	ISSUE FEE PAYMENT VERIFIED		1	43
59	01/16/2006	TC RETURN TO PUBS			
58	11/30/2005	CASE DOCKETED TO EXAMINER IN GAU			
57	10/12/2005	PUBS CASE REMAND TO TC			
55	03/23/2005	RECEIPT INTO PUBS			
52	07/21/2004	PETITION DECISION - DISMISSED			
51	05/05/2004	PETITION ENTERED			
50	05/05/2004	WORKFLOW INCOMING PETITION IFW			
49	05/05/2004	ISSUE FEE PAYMENT RECEIVED			
48	03/19/2004	AMENDMENT AFTER NOTICE OF ALLOWANCE (RULE 312)		120	
47	04/13/2004	CORRESPONDENCE ADDRESS CHANGE			
46	04/12/2004	RECEIPT INTO PUBS			
45	03/02/2004	RECEIPT INTO PUBS			
44	03/01/2004	WORKFLOW - FILE SENT TO CONTRACTOR			
43	02/04/2004	MAIL NOTICE OF ALLOWANCE			
42	02/04/2004	MAIL EXAMINER'S AMENDMENT			
41	01/29/2004	ISSUE REVISION COMPLETED			
40	01/29/2004	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
39	01/29/2004	CASE DOCKETED TO EXAMINER IN GAU			

38	01/26/2004	EXAMINER'S AMENDMENT COMMUNICATION			
37	01/26/2004	NOTICE OF ALLOWABILITY			
36	12/22/2003	CORRESPONDENCE ADDRESS CHANGE			
35	12/22/2003	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
34	11/14/2003	DATE FORWARDED TO EXAMINER			
33	11/06/2003	RESPONSE AFTER NON-FINAL ACTION		36	31
32	11/06/2003	REQUEST FOR EXTENSION OF TIME - GRANTED			
31	07/01/2003	MAIL NON-FINAL REJECTION			
30	06/30/2003	NON-FINAL REJECTION			
29	06/04/2003	MISCELLANEOUS INCOMING LETTER			
28	06/22/2003	DATE FORWARDED TO EXAMINER			
27	05/27/2003	SUPPLEMENTAL RESPONSE		0	25
26	06/22/2003	DATE FORWARDED TO EXAMINER			
25	05/27/2003	REQUEST FOR CONTINUED EXAMINATION (RCE)		103	13
24	06/22/2003	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
23	05/21/2003	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
22	05/20/2003	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
21	04/21/2003	IMPROPER REQUEST FOR CONTINUED EXAMINATION			
20	04/21/2003	REQUEST FOR EXTENSION OF TIME - GRANTED			
19	04/21/2003	WORKFLOW - REQUEST FOR RCE - BEGIN			
18	04/07/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
17	03/17/2003	MAIL ADVISORY ACTION (PTOL - 303)			
16	03/14/2003	ADVISORY ACTION (PTOL-303)			
15	02/28/2003	DATE FORWARDED TO EXAMINER			
14	02/19/2003	AMENDMENT AFTER FINAL REJECTION			
13	11/13/2002	MAIL FINAL REJECTION (PTOL - 326)			
12	11/12/2002	FINAL REJECTION			
11	09/12/2002	DATE FORWARDED TO EXAMINER			
10	09/04/2002	RESPONSE AFTER NON-FINAL ACTION			
9	07/02/2002	MAIL NON-FINAL REJECTION	274		-1
8	07/01/2002	NON-FINAL REJECTION			

7	04/29/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
6	08/28/2000	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
5	09/26/2000	CASE DOCKETED TO EXAMINER IN GAU			
4	09/18/2000	APPLICATION DISPATCHED FROM OIPE			
3	09/18/2000	CORRESPONDENCE ADDRESS CHANGE			
2	08/25/2000	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	08/01/2000	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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DRAFT

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT	:	6,,988,727 B2
DATED	:	Jan. 24, 2006
INVENTOR(S)	:	Yano

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (306) days

Delete the phrase "by 306 days" and insert – by 426 days--